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BEFORE THE
FEDERAL ELECTION COMMISSION 7 PM 12: 12

William C. Love, Jr.
P.O. Box 4870
Charlottesville, VA 22905,

OFFICE OF GENERAL

MUR # 7143

Complainant,

v.

Mr. Thomas A. Garrett, Jr.
P.O. Box 396
Richmond, VA 23218

Tom Garrett for Congress and Christopher Woodfin, Treasurer
P.O. Box 209
Ruckersville, VA 22968

Respondents.

COMPLAINT

Complainant files this complaint under 52 U.S.C. § 30109(a)(1) against Thomas Garrett, Jr., the Tom Garrett for Congress Committee, and Christopher Woodfin, its treasurer, in his official capacity (collectively "Respondents") for violating the Federal Election Campaign Act of 1971, as amended ("the Act") and Federal Election Commission ("FEC" or "Commission") Regulations. Respondents have conceded that they used unregulated "soft money" funds, not subject to the source restrictions or contribution limits of the Act, to pay for expenses incurred by Tom Garrett's campaign for federal office, all while keeping the transactions off of their FEC reports. The Commission should immediately investigate and take appropriate remedial action against Respondents for these clear, and admitted violations of law.¹

¹ See 11 C.F.R. §§ 300.60; 300.61 (prohibiting any federal candidate from soliciting, receiving, directing, transferring, spending, or disbursing funds in connection with a federal election that fall outside the federal limitations and source restrictions).

A. FACTS

Thomas Garrett is currently a State Senator for the 22nd District of Virginia. He is also the Republican nominee for the U.S. House of Representatives to represent Virginia's Fifth Congressional District.² Senator Garrett has established Tom Garrett for Congress (the "Federal Committee") as the principal campaign committee for his congressional campaign.³ He also maintains a state-level campaign committee, Garrett for Virginia Senate, (the "Nonfederal Committee") through which he has continued to raise and spend funds in connection with his State Senate campaign.⁴ Respondents have been illegally using Nonfederal Committee assets to subsidize the Federal Committee's activities.

For example, according to publicly available news reports, Senator Garrett made payments using funds from his Nonfederal Committee to launch and maintain his Federal Committee website.⁵ In December 2015, SingleTree Media, a social media marketing firm, registered the Federal Committee's domain name.⁶ However, rather than pay for that expense from the Federal Committee, as required by law, the Nonfederal Committee's campaign finance reports show that Senator Garrett's Nonfederal Committee paid \$1,495 to SingleTree Media on January 11, 2016 for "web design."⁷ The payment to SingleTree Media was disclosed on the

² See Statement of Candidacy (filed Jan. 27, 2016); Statement of Organization (filed Jan. 27, 2016).

³ See Statement of Organization (filed Jan. 27, 2016).

⁴ See Garrett for Virginia Senate, Virginia Campaign Finance Report (filed Aug. 4, 2016), available at <http://cfreports.sbc.virginia.gov/Report/Index/98386>.

⁵ Garrett for Virginia Senate, Virginia Campaign Finance Report, *supra* note 4; see also *Garrett Campaign Resolves Spending Issue*, Daily Progress (Sep. 1, 2016) available at http://www.dailyprogress.com/news/politics/garrett-campaign-resolves-spending-issue/article_64e69556-1f70-5382-ad50-503ce3ee4bd4.html.

⁶ <http://www.register.com/whois.rcmx> (search in search bar for "tomgarrettforcongress.com," then press enter (last visited Sep. 12, 2016)).

⁷ Garrett for Virginia Senate, Virginia Campaign Finance Report, *supra* note 4, at 4.

Nonfederal Committee's most recent campaign finance report, filed with the Virginia Department of Elections on August 4, 2016.⁸ When confronted, a spokesperson for Senator Garrett's congressional campaign admitted that Nonfederal Committee funds were used by the Federal Committee to pay for expenses associated with the federal race, however, the full scope of these violations is still unclear.⁹

B. LEGAL ARGUMENT

Commission regulations expressly provide that no federal candidate "shall solicit, receive, direct, transfer, spend, or disburse funds in connection with an election for Federal office...unless the amounts consist of Federal funds that are subject to the limitations, prohibitions, and reporting requirements of the Act."¹⁰ Moreover, Commission regulations prohibit federal candidates from transferring nonfederal campaign funds to a federal campaign committee,¹¹ or using nonfederal funds to pay for federal expenses like polling,¹² start-up costs,¹³ and other expenses incurred in connection with elections for federal office.¹⁴

⁸ *Id.*; *Garrett Campaign Resolves Spending Issue*, *supra* note 5.

⁹ *Garrett Campaign Resolves Spending Issue*, *supra* note 5. The website payment is not associated with the state senate campaign; a different company, 2010 Solutions, registered and maintained Senator Garret's State Senate campaign website. See <http://www.register.com/whois.rcmx> (search in search bar for "votetomgarrett.com," then press enter) (last visited Sep. 12, 2016).

¹⁰ 11 C.F.R. §§ 300.60, 300.61.

¹¹ 11 C.F.R. § 110.3(d).

¹² See MUR 6267 (Paton for Senate) (finding that Paton's federal committee received an impermissible transfer of non-federal funds when Paton's state senate committee paid for polling for the federal campaign); see also MUR 5840 (Levetan for Congress).

¹³ MUR 5646 (Cohen for New Hampshire) (finding a violation of 11 C.F.R. § 110.3(d) when a non-federal committee paid "start-up expenses for [a] U.S. Senate campaign.").

¹⁴ MUR 5426 (Dale Schultz for Congress) (finding that the federal committee at issue effectively received an impermissible transfer of funds when Schultz's state committee paid for expenses incurred in connection with his federal election).

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Respondents admittedly used nonfederal funds to pay for expenses incurred in connection with Senator Garrett's federal election, specifically the launch of the Federal Committee's campaign website. Because a campaign website is something of value made for the purpose of influencing an election,¹⁵ Respondents made an impermissible in-kind contribution to the Federal Committee with funds not subject to the limitations, prohibitions, and reporting requirements of the Act.¹⁶ While a federal candidate is never allowed to use funds from its Nonfederal Committee to subsidize his or her federal election, these restrictions are even more significant where, as is the case here, the Nonfederal Committee can raise unlimited corporate contributions under Virginia law.¹⁷

There is no question that Respondents violated the law here. When confronted with news reports regarding their prohibited spending, Respondents were forced to concede that illegally paid for the costs associated with the launch of the Federal Committee website using Nonfederal Committee funds.¹⁸

C. REQUESTED ACTION

Respondents have violated the Act and Commission regulations by using funds that were solicited and received outside of federal limitations and source restrictions to pay for costs associated with Senator Garrett's federal congressional campaign. However, we do not know the full scope of their violations. We respectfully request that the Commission promptly investigate

¹⁵ 11 C.F.R. §§ 100.52(a).

¹⁶ 11 C.F.R. § 300.61.

¹⁷ See Summary of Laws and Policies Candidate Campaign Committee, at 17, Virginia Department of Elections (Sep. 14, 2015), *available at* <http://elections.virginia.gov/Files/CandidatesAndPACs/LawsAndPolicies/CandidatesSummary.pdf> ("There are no contribution limits in Virginia. A committee can accept contributions from any individual, corporation, union, association or partnership. It is required that all contributions received by the committee, and that all required information identifying the contributor, be reported on the committee's campaign finance reports.").

¹⁸ *Garrett Campaign Resolves Spending Issue*, *supra* note 5.

this violation, and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,

William C. Love, Jr.
William C. Love, Jr.

City of Charlottesville, VA

SUBSCRIBED AND SWORN to before me this 19th day of Sept. 2016.

his Complaint;

Deborah M. Robertson Myers

Notary Public

My Commission Expires:

October 31, 2018

